

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 7, Charlie Norwood Medical Center, Justification for Other than Full and Open Competition, 509-14-1-3132-0002.
2. **Nature and/or Description of Action Being Processed:** New, Firm, fixed-price contract, base year plus two (2) option years for the maintenance of the existing Carl Zeiss Microscope LSM510 (Confocal Microscope).
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** This requirement is for the Service Maintenance and repair of the Confocal Microscope by factory trained field service representatives. This requirement includes one preventive maintenance inspection per year, all covered replacement parts, applications support and training, and any software updates. The requirement also includes that the vendor be available for emergency calls as needed for proper operation. Base year is estimated at \$23,250.00. Total value of procurement is estimated at \$71,863.43.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(g), as implemented by FAR 6.302.
(X) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** See attached Letter dated May 29, 2013, from Carl Zeiss Microscopy, LLC, the manufacturer of the Confocal Microscope. This states that Carl Zeiss Microscopy, LLC is the only entity in the United States authorized by Carl Zeiss Microscopy GmbH to provide comprehensive service and support for Carl Zeiss Microscopy LSM 510 laser capture microdissection systems.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** This can't be competed, as Carl Zeiss Microscopy, LLC is the only authorized entity in the US able to provide service and support (see attached Letter from manufacturer). A Sources Sought Notice was posted on FedBizOpps and yielded no responses from interested vendors.
7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** Price Reasonableness was based on comparison with recent orders for Confocal Microscope Maintenance found on FPDS-NG:

Leica Confocal Microscope Maintenance, USDA Contract AG913P11AA16, 12/2010 - \$24,360.00
Leica Confocal Microscope Maintenance, VA648D15099, 10/1/2010 - \$30,000.00
Leica Confocal Microscope Maintenance, FDA Contract HHSF223201210906P, 7/27/12 - \$24,510.00
Carl Zeiss Confocal Microscope Maintenance, NIH Contract HHSN272201200740P, 8/17/12 - \$25,620.00
Carl Zeiss Confocal Microscope Maintenance, EPA Contract EP13C000095, 5/29/13 - \$28,925.00
Carl Zeiss Confocal Microscope Maintenance, VA26112C0116, 4/27/12 - \$25,700
Carl Zeiss Confocal Microscope Maintenance, CDC Contract HHSD2122013M54236P, 1/10/13 - \$27,225.00

8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Sources Sought Notice was published on FedBizOpps and yielded no results. Zeiss is the only source authorized to service their equipment. Market Research was not further conducted based on information provided in the Sole Source letter from Zeiss dated May 29, 2013(attached).


9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:**

A Maintenance Agreement reduces the down time of the equipment and potential costly repair. The original cost of the scope was over \$300,000.00, so all repairs have a potential of being extremely costly without this service agreement.

10. **Listing of Sources that expressed, in Writing, an interest in the Acquisition:** No other sources are authorized to work on this equipment per attached letter from manufacturer.

11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** If in the future, the Zeiss confocal microscope should have to be replaced, we will put the contract out for open competition .

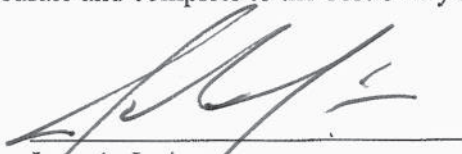
12. **Requirements Certification:** I certify that the requirements outlined in this justification is a bona fide need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.


Marie J. Andrews
Administrative Officer for Research
Charlie Norwood VA Medical Center

Date 6/4/13

13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.




Juan A. Jusino
Contracting Officer
NCO 7 Contracting Activity

Date



6/4/13

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.



Calvin Thomas
Acting Network Contract Manager
VA Southeast Network - NCO 7

Date



6/4/13